United Nations A/68/787

General Assembly

Distr.: General
7 March 2014

Original: English

Sixty-eighth session
Item 142 of the provisional agenda
Report on the activities of the Office of Internal Oversight Services

Evaluation of the implementation and results of protection of civilians mandates in United Nations peacekeeping operations

Report of the Office of Internal Oversight Services

"Peacekeeping missions with protection of civilians mandates focus on prevention and mitigation activities and force is almost never used to protect civilians under attack"

Summary

Protection of civilians is one of the most important and visible areas of United Nations peacekeeping activity. The Security Council has issued mandates incorporating the requirement to protect civilians to 13 peacekeeping operations to date, including nine current missions. This evaluation considered the implementation and results of protection of civilians mandates in current missions.

In 2009, a comprehensive review concluded that the chain of events to support protection of civilians was broken. Since then, considerable progress has been made. Guidance and structures have been developed to support protection of civilians activities in the field, under the umbrella of a three-tier operational concept covering prevention, physical protection and the creation of a protective environment. The positive results of many of these activities are clear.

Nevertheless, the evaluation noted a persistent pattern of peacekeeping operations not intervening with force when civilians are under attack. The use of force is legally authorized and consistent with the intent of the Security Council and the expectations of civilians, but appears to have been routinely avoided as an option by peacekeeping operations. The reasons include different views in the Security Council and among troop-contributing countries and, importantly, a de facto dual line of command involving mission leadership and troop-contributing countries that

14-25643 (E) 270314

Please recycle

regulates the use of force by missions. In addition, the obligation of missions to act when host Governments are unable or unwilling to discharge their primary responsibility to protect civilians is not well understood; missions perceive themselves as having insufficient resources to respond to force with force; and contingent members themselves are concerned about possible penalties if their use of force is judged inappropriate. Partly as a result, and despite major commitments by the United Nations and troop- and police-contributing countries, civilians continue to suffer violence and displacement in many countries where United Nations missions hold protection of civilians mandates.

Although peacekeeping missions have successfully prevented and mitigated harm to civilians while deployed over huge territories and facing asymmetrical threats with limited resources, the chain linking the intent of the Security Council to the actions of the Secretariat, troop- and police-contributing countries and peacekeeping missions themselves remains broken in relation to the use of force. As no part of the peacekeeping architecture is uniquely responsible for that situation, what is required is a frank dialogue on the issue within the peacekeeping partnership of troop-, police- and finance-contributing countries, host Governments, the Security Council, the Secretariat and other parties. Solutions also require the involvement of the General Assembly as the main deliberative organ of the United Nations.

Leadership, information systems and partnerships in missions, and the expectations of civilians for protection by peacekeepers are also addressed in the report.

Three recommendations were made. They included: enhancing operational control over contingents; improving clarity of peacekeepers' tasks at the tactical level, and improving the working-level relationship between peacekeeping operations and humanitarian entities. The Department of Peacekeeping Operations/Department of Field Support accepted the recommendations, while providing a comment on recommendation 1. The full text of the Department of Peacekeeping Operations/ Department of Field Support response to the draft report is contained in annex I to the present report.

Contents

		Page
I.	Introduction	4
II.	Scope and methodology	4
III.	Results	6
	A. Since 2009, considerable progress has been made in developing guidance and structures to support protection of civilians activities in the field	6
	B. There is a persistent pattern of peacekeeping operations not intervening with force when civilians are under attack	7
	C. Multiple factors contribute to the non-use of force in peacekeeping	12
	D. Concept of protection of civilians has been stretched, risking loss of focus	17
	E. At the mission level, leadership, information systems and partnerships influence the effectiveness of protection of civilians activities	17
	F. Positive results in preventing and mitigating harm to civilians and in long-term outcomes are clear, but performance of three missions is highly ineffective when civilians are actually being harmed	19
IV.	Conclusion	20
V.	Recommendations	22
Annexes		
I.	Comments on the draft report from the Department of Peacekeeping Operations and the Department of Field Support	24
II.	Comments by the Office of Internal Oversight Services-Inspection and Evaluation Division	26

I. Introduction

1. The plight of civilians in zones of armed conflict between or within countries has confronted the United Nations continually since 1945. In the decades since, millions of people have been displaced, killed, injured or subjected to sexual violence. Women and children have suffered disproportionately. There are few more urgent and continuing challenges before the international community than protecting civilians under attack.

2. This evaluation, the second by this Office (see A/67/795), examined the implementation and results of protection of civilians mandates in eight peacekeeping missions holding those mandates as at 31 July 2013.

3. The topic was selected for compelling reasons. Protection of civilians is a strategic objective of peacekeeping, with peacekeeping itself a flagship activity of the United Nations supported by nearly $8 billion annually. Peacekeeping is one of the most important tools used by the international community to protect civilians and probably the only area in which organizational performance can literally mean the difference between life and death for a civilian in a conflict zone. Member States and regional organizations follow mission performance closely, and the media, academia and civil society remain ever watchful. Unfortunately, critical missteps in protecting civilians have occurred in the past[1] and the continuing risk to the reputation of the Organization remains high. Most importantly, civilians under threat continue to have a strong vested interest in the effectiveness of the Organization in protecting them.

4. The mandate of Office of Internal Oversight Services-Inspection and Evaluation Division (OIOS-IED) requires that its evaluations enable "systematic reflection" among Member States and programme managers. The objective of the present report is to do so on a subject universally recognized as important. The authority to enhance the effectiveness of protection of civilians lies not only with the Department of Peacekeeping Operations/Department of Field Support but also with Member States and other United Nations entities.

II. Scope and methodology

5. The evaluation focused on eight of the nine missions currently holding protection of civilians mandates (United Nations Interim Force in Lebanon (UNIFIL), United Nations Mission in Liberia (UNMIL), United Nations Operation in Côte d'Ivoire (UNOCI), United Nations Stabilization Mission in Haiti (MINUSTAH), United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), African Union-United Nations Hybrid Operation in Darfur (UNAMID), United Nations Interim Security Force for Abyei (UNISFA) and United Nations Mission in South Sudan (UNMISS)).[2] These nine missions account for about 97 per cent of uniformed personnel and 95 per cent of civilian personnel in United Nations peacekeeping.[3] Special emphasis was placed

[1] For example, in Rwanda, Srebrenica and Sri Lanka.

[2] United Nations Multidimensional Integrated Stabilization Mission in Mali was excluded as it was established only in April 2013.

[3] Calculated from data in *United Nations Peacekeeping Operations Factsheet*, 31 December 2013.

on MONUSCO and UNMISS. Recently, MONUSCO received a mandate for offensive operations (see Security Council resolution 2098 (2013), paras. 9 and 10), providing it with a new way of protecting civilians.

6. The Department of Peacekeeping Operations/Department of Field Support conceptual framework for the evaluation defines protection of civilians as a "whole-of-mission" effort under three tiers: protection through political process, protection from physical violence, and establishing a protective environment.[4] The evaluation focused on the first two tiers, especially physical protection and the use of force as a last resort, noting that peacekeeping operations have a unique responsibility in providing protection from physical violence.[5] The use of force is highlighted in the present report as the evaluation found it to be the higher-priority element in terms of criticality. However, this should not be seen as devaluing the importance of political solutions and other aspects of the comprehensive approach to peacekeeping operations, all of which are critical to the effective protection of civilians. The third tier was excluded as too broad a subject for the purposes of the present report.

7. The results presented are based on:

(a) An extensive literature review encompassing United Nations and mission-specific documents and external literature on protection of civilians;

(b) A questionnaire completed by each mission on the structures and mechanisms in place to implement its protection of civilians mandate;

(c) A structured analysis of mission responses to serious incidents involving actual or imminent threats to civilians;

(d) A total of 170 semi-structured interviews conducted in person or via telephone with:

(i) Staff members in key military, planning, oversight and legal positions in the Department of Peacekeeping Operations, the Department of Field Support and other United Nations Headquarters departments;

(ii) Mission personnel in key positions for protection of civilians, in Headquarters and in the field;

(iii) Protection Cluster members;

(iv) Representatives of the States Members of the United Nations, including troop- and police-contributing countries and all five permanent members of the Security Council;

(v) Representatives of host Governments and security authorities;

(vi) Representatives of civil society and non-governmental organizations active in protection matters.

8. Existing well-regarded databases on conflict, together with existing civilian perception surveys in countries with current protection of civilians peacekeeping mandates, were assessed as possible means of measuring the effectiveness of protection of civilians operations. However, incompatibilities in definitions and

[4] Department of Peacekeeping Operations/Department of Field Support, *Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, 9 April 2010, para. 14.

[5] Ibid., para. 16.

methodology, as well as other problems, prevented their ultimate use. Three internationally recognized peacekeeping experts and the Department of Peacekeeping Operations/Department of Field Support reviewed the evaluation terms of reference and draft report. Annex I includes the Department of Peacekeeping Operations/Department of Field Support response to the draft report and shows that the Departments accepted the recommendations while providing a comment on recommendation 1. The OIOS-IED is grateful for the support expressed by members of the Security Council and troop- and police-contributing countries for this evaluation and its focus. It also thanks the two Departments and the missions listed above for their cooperation.

III. Results

A. Since 2009, considerable progress has been made in developing guidance and structures to support protection of civilians activities in the field

9. A 2009 independent report commissioned by the Department of Peacekeeping Operations/Office for the Coordination of Humanitarian Affairs concluded that the chain of events to support protection of civilians was broken. It noted that weaknesses prevailed throughout the chain, from the Security Council down to the tactical level.[6] The Special Committee on Peacekeeping Operations endorsed the recommendation in the report that wide-ranging guidance on protection of civilians be issued for missions.

10. The Department of Peacekeeping Operations/Department of Field Support subsequently issued an operational concept (2010), a compilation of lessons learned (2010), a framework and template for drafting comprehensive protection of civilians strategies (2011) and a resource and capability matrix to assist mission protection of civilians planning (2012).

11. To implement the guidance, almost all missions with protection of civilians mandates have developed mission-level protection of civilians strategies or are in the process of doing so.[7] Most incorporate explicit recognition of vulnerable groups, including women and children, in their risk assessments and objectives.

12. Missions with the most immediate protection of civilians threats, including MONUSCO and UNMISS, have developed the most comprehensive structures and processes to implement their strategies. Mechanisms include early warning systems, community alert networks, community liaison arrangements, public information and reporting systems. These involve different mission elements and respond to the particular conditions in particular missions. Strategy implementation is a cross-mission responsibility.

---

[6] Victoria Holt and Glyn Taylor with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges* (United Nations publication, Sales No. E.10.III.M.1) Executive Summary, pp. 5-9.

[7] MINUSTAH has stated that it lacks the elements of other theatres where protection of civilians is applicable.

B. There is a persistent pattern of peacekeeping operations not intervening with force when civilians are under attack

13. In locations where civilians face threats of physical violence, civilians look to the United Nations for protection. Peacekeeping missions can protect civilians in peaceful ways, with force or a combination of the two. Peaceful ways can be used by all parts of a mission, whereas force is largely the monopoly of the mission's military. In general, civilian personnel have limited involvement in direct physical protection, despite providing critical advice and analysis; individual police officers focus chiefly on Tier 3 activities; and the involvement of formed police units in direct physical protection appeared to be largely limited to patrols.

14. Regular reporting[8] shows that missions work continuously to use peaceful ways to identify diverse threats to civilians and then to deter, avert or pre-empt them before they develop into attacks (see sect. III.F below).

15. Nevertheless, the use of force as a last resort is a critical option to protect civilians under imminent threat of physical violence or when they are actually under attack, and a consistent and core element in all Security Council protection of civilians mandates. Successive Council resolutions have authorized missions to use force, including deadly force. Legally, this creates a requirement to do so within their capabilities when civilians are in imminent physical danger or actually being attacked in their areas of deployment. While no mission can be expected to protect all civilians all the time, each can reasonably be expected to provide protection in areas of highest risk. When missions fail to do so, civilians are often highly critical of the mission's performance. Successes in prevention do not, in the opinion of civilians, offset failures to intervene when they are under attack.

16. Mission actions in response to attacks on civilians in their areas of deployment were examined by OIOS-IED. Examples were drawn from the Secretary-General's reports to the Security Council (the most regular and visible reporting on mission operations), from missions themselves and from interviews. OIOS-IED also questioned missions about their use of force.

17. This analysis led to two conclusions.

Missions reported responding immediately in only a minority of incidents when civilians were attacked

18. First, in only a minority of incidents reported in Secretary-General's reports involving direct attacks on civilians, including very serious incidents, was any immediate response reported by missions.

19. Immediate response was considered to include intervention, whether political or military, during the attack itself. Of the 507 incidents involving civilians reported in Secretary-General's reports from 2010 to 2013, only 101, or 20 per cent, were reported to have attracted an immediate mission response. Conversely, missions did not report responding to 406 (80 per cent) of incidents where civilians were attacked. The rate of reported response varied across missions, reflecting the seriousness of incidents and the availability of early warning, the accessibility of incident sites and other factors. It was highest in UNISFA (68 per cent) and

[8] See, for example, the reports of the Secretary-General to the Security Council on each mission.

MONUSCO (26 per cent) and lowest in MINUSTAH and UNMISS (less than 10 per cent).

20. In most cases, mission personnel were not on site at the time of the attack and did not reach the site during the attack. While many peacekeepers have died in the course of their duty, the Department of Peacekeeping Operations data suggest that no casualties have resulted from interposition between a vulnerable population and hostile elements attacking civilians, although an interposition is an option indicated in the Operational Concept.

21. The impact of these incidents on civilians, as reported by the Secretary-General, was vast. It included civilian deaths, injuries, sexual violence, abductions, displacements, property loss affecting livelihoods and other human rights violations.

In cases where response was reported, missions almost never used force, even as a last resort

22. Secondly, where mission personnel (including uniformed personnel) actually were on site at the time of an attack or threatened attack against civilians, force was almost never used. Responses included supporting local security forces, securing areas and facilities, evacuating or escorting civilians to safety, sheltering them on United Nations premises, creating security conditions conducive to the provision of humanitarian assistance and launching human rights investigations. Parallel approaches included political intervention at the national, regional and/or local levels (see table).

Table

Mission responses to the 10 deadliest attacks reported by the Secretary-General between 2010 and 2013[a]

Date	*Incident*	*Civilian deaths*	*Reported response*	
			During incident	*Following incident*
18 August 2011	Attacks by fighters from one community on towns of rival community (UNMISS)	600	No	Daily air patrols and increased deterrent military presence initiated in area Community de-escalation and reconciliation initiatives assisted
8-22 August 2013	Intercommunal fighting in Eastern Darfur (UNAMID)	500-600	No	Technical and logistical support provided to local community leaders and others to resolve dispute, evacuations, humanitarian aid deliveries facilitated, aid agency assets secured
July 2013	Intercommunal violence in several locations in Pibor County (UNMISS)	>328	No	Investigation launched. Sustained foot and vehicular patrol campaign initiated in Pibor County; community engagement and political initiatives pursued
March 2010	Intercommunal clashes in Western-Southern Darfur (UNAMID)	>182	No	Engagement with local leaders and State-level authorities, despite access restrictions
22-30 July 2013	Intercommunal fighting in Central Darfur (UNAMID)	150	No	Humanitarian aid to displaced civilians facilitated
August-September 2012	Attacks on civilians by armed group in Katoyi, North Kivu (MONUSCO)	>112	No	Human rights investigations launched
14-15 December 2010	Massacre by armed group at Mabanga ya Talo, North Kivu (MONUC)	>100	No	Investigation undertaken, measures taken to enhance protection of civilians in main population centres (new temporary operating bases, increased day and night patrols, aerial surveillance, increased information-gathering, additional joint MONUC-Forces armées de la République démocratique du Congo patrols and insertions). Protection of civilians civilian coordinator appointed in Dungu

Date	*Incident*	*Civilian deaths*	*Reported response*	
			During incident	*Following incident*
3-6 April 2013	Intercommunal fighting in parts of Central and Southern Darfur (UNAMID)	>100	No	Inter-agency assessment mission protected. Medical supplies delivered. Local officials and community leaders engaged. Transport for reconciliation conference facilitated. Presence reinforced to protect relocating civilians
8 February 2013	Attack on community in Wangar, Jonglei State by armed elements from rival community (UNMISS)	>100	No	Investigation launched. Communities and national authorities actively engaged to prevent retaliation
4 January 2013	Intercommunal fighting over disputed access to gold mine (UNAMID)	100	No	Government officials transported to area to defuse tensions. Wounded civilians evacuated. Humanitarian aid airlifted. Patrols increased. Militia leaders engaged

[a] Reports of the Secretary-General to the Security Council on individual peacekeeping operations (S/2011/678, paras. 25-26; S/2013/607, paras. 17-18; S/2013/651, paras. 22, 39-40; S/2010/213, paras. 29, 51; S/2013/607, para. 21; S/2012/838, para. 14; S/2010/164, para. 8; S/2013/420, paras. 19-23; S/2013/140, para. 33, S/2013/366, para. 30; S/2013/225, paras. 21-22).

23. Force was most likely to be used to protect civilians when troops were engaged in self-defence or defence of United Nations personnel and property. In some cases civilians had congregated in or around United Nations bases and the military component had fired on combatants to prevent their access to the base. Two such incidents occurred in the Democratic Republic of the Congo and in Darfur in June 2012 and February 2009, respectively.[9] MONUSCO supported Congolese army initiatives against the M23 with direct military engagement north of Goma ahead of the fall of Goma in November 2012 (see S/2013/96, paras. 7 and 37). Two cases involving peacekeepers interposing themselves to protect civilians from attack when they were not on United Nations premises or preventing the use of heavy weapons against civilians were drawn to the attention of OIOS-IED (see S/2012/230, para. 6; and S/2011/387, para. 8).

24. A show of force to deter the progress of actual or intending attackers was also rare. An exception occurred when approximately 8,000 armed Lou Nuer youth approached Pibor in South Sudan in December 2011, after destroying the neighbouring town of Likuangole. UNMISS supported the South Sudanese army by moving armoured personnel carriers into position to deter the approach and force the rebels to withdraw (see S/2012/140, para. 31). The evaluation team were provided with other examples.

25. However, in the case of threats or actual use of force against civilians, the response from missions was generally passive. Force was not used when Goma was invaded (see S/2013/96, paras. 7 and 37), when Likuangole was destroyed (see S/2012/140, paras. 28-30) or when Mai Mai Cheka rebels constantly harassed the population of Pinga, in the Democratic Republic of the Congo,[9] despite the presence of United Nations troops on site and the existence of significant risk to civilians. Only four missions indicated that they had ever fired a warning shot, and only three indicated that they had ever fired a shot with lethal intent.

26. Additionally, even the threat by missions that they would use force to protect civilians was generally absent. An exception occurred in MONUSCO when, following the adoption of Security Council resolution 2098 (2013), the Mission issued a public ultimatum to M23 rebels that they should either disarm or "face the use of force".[10]

27. Interviewees expressed concern about continued indecision on the use of force. One interviewee stated, "We cannot wait until they kill, and when they kill, not react." It was argued that civilians needed to be better protected when threatened, including with use of force. If this was not done, observers could legitimately question why the Organization was "deploying thousands of troops and paying billions of dollars".

28. In MONUSCO, however, Security Council resolution 2098 (2013) has led a decisive change from the past in the language and actuality of the use of force. This suggests that the clarity of a Security Council mandate is the most important determinant of a mission's posture in relation to the use of force. The inclusion of the words "targeted offensive operations" in respect of the MONUSCO Force Intervention Brigade (as opposed to the usual "all necessary means") has been key in removing ambiguities about what is authorized and what is expected. One

[9] Personal communication.

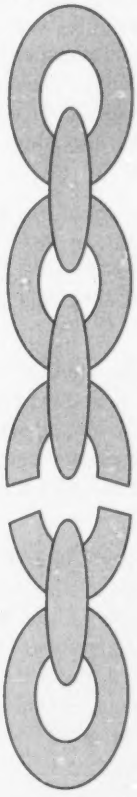
[10] http://www.presstv.ir/detail/2013/07/30/316415/un-gives-ultimatum-to-east-congo-rebels/.

interviewee said, "When [resolution] 2098 (2013) was adopted, we knew the Force would become more proactive". Robust peacekeeping led to the surrender of the M23 in 2013. Surrenders from armed groups have also accelerated. At the same time, however, concern has increased among humanitarians that once offensive operations commence, their role will be conflated with that of the Mission.

C. Multiple factors contribute to the non-use of force in peacekeeping

29. The use of armed force is the last resort to protect civilians, considered only when prevention and deterrence have failed. Accordingly, to enable missions to protect civilians when this happens, the use of force is envisaged and authorized in all Security Council protection of civilians mandates (subject to caveats), the operational concept and mission rules of engagement. Although missions can use this tool, they rarely do so. Complex factors appeared to be at play, starting with the Security Council and extending to tactical levels. Overall, a break remains in the "chain" of activities designed to protect civilians (see figure below).

Figure
The chain of activities for protection of civilians



Political initiatives
Good offices
Engagement with parties
Mediation, negotiation
Advocacy
Outreach, liaison

Prevention and pre-emption
Visible presence, deployment
Patrols
Escorting civilians from danger
Support for security forces
Crisis response
Show of force against parties

Use of force
Use of force against parties

Mitigation of civilian impact
Escorting civilians from danger
Sheltering civilians at bases
Facilitating humanitarian intervention
Conducting investigations

Differences of view in the Security Council and among troop-contributing countries are reflected in differences in missions on the use of force

30. Major differences exist within the Security Council and among troop-contributing countries on the use of force, even though Council protection of civilians mandates have become clearer and more detailed. In interviews, some Council members emphasized the "need to understand the need to use force to protect lives" and expressed disappointment at the lack of willingness to do so and continuing "passivity" in the face of attacks on civilians. One member emphasized that missions must understand the threats and use the instruments that they have to pre-empt them. On the other hand, troop-contributing countries interviewed for the evaluation pointed out that the risk confronting peacekeepers has gradually increased and is now higher than troop-contributing countries are willing to accept. Prevention and political robustness were seen as better ways of protecting people than "buying tanks for peacekeepers" and the use of force was justified only for the self-defence of peacekeepers themselves. One Council member emphasized the necessity of protecting peacekeepers from harm. However, one troop-contributing country also suggested that, if all other means have been exhausted, the military should use force to protect civilians, and that "if a peacekeeper has a weapon, there may be a need to use it". A number of troop-contributing countries have insisted that the distinction should be maintained between traditional peacekeeping operations and those of the Intervention Brigade that was specifically authorized under resolution 2098 (2013).

31. Additionally, there was no unanimity among troop-contributing countries on the definition of what constitutes "imminent threat of physical violence".

32. These differences in the Security Council and among troop-contributing countries affect the implementation of protection of civilians mandates in missions themselves, creating "space" between the resolutions adopted by the Council and implementation in the field that, according to one Member State, needed to be "seriously shrunk".

33. Where Security Council intent is unclear (or, as one senior mission official put it, "skimpy on the detail"), mission leaders as well as contingents within the same mission can interpret mandates differently. Some contingents were reportedly more willing to use force than others.

34. Since the adoption of Council resolution 2098 (2013), differences in interpretation concerning the use of force in protecting civilians have become both more apparent and more potentially divisive. Fears were expressed that mandates such as resolution 2098 (2013) stretch the three core principles of peacekeeping — consent of the parties, impartiality and non-use of force except in self-defence and defence of the mandate. The interpretation that preceded resolution 2098 (2013) — that peacekeeping should be focused on prevention and pre-emption and should not extend to enforcement — remains widely held among the United Nations military contingents. At the same time, the resolution has also prompted discussions in at least one other mission about the need for similar resolutions there.

A de facto dual line of command regulates the use of force by missions

35. Evidence suggests that a de facto dual line of command exercised by troop-contributing countries over their troops serving in peacekeeping missions regulates

the use of force in missions. Interviewees from Member States, troop-contributing countries, the Secretariat and throughout the civil and military pillars of missions consistently highlighted that some troop-contributing countries imposed written and unwritten "national caveats" on their contingents, effectively ruling out the use of force. This was generally interpreted as a lack of willingness on the part of troop-contributing countries to put troops in danger. Interviewees also stated that commanders in the field routinely reported and sought advice from their capitals when commands were issued within the mission and acted on that advice even if it conflicted with that of the mission Force Commander or a Brigade Commander. Several commanders, including commanders from one of the countries mentioned by interviewees, confirmed this.

36. Examples were provided of peacekeepers not acting, despite being stationed in the vicinity of deadly violence, and of not following orders given. The late arrival of peacekeepers on the scene was a particular concern. One interviewee said "We are always late. Always. No exceptions".

37. There was no case of which OIOS-IED was not aware in which the failure of a United Nations unit to execute an order of the Force Commander had been conveyed to the Security Council or even included in the mission situation reports sent routinely to the Department of Peacekeeping Operations. Mission military officers reportedly preferred to keep "harmonious relations" with contingents rather than report matters up the line. If true, this constitutes not only a failure to follow instructions but also a failure by missions to report such non-compliance to United Nations Headquarters.

38. Concern about the situation was expressed to the evaluation team on several grounds. Some saw the problem as a command-and-control issue that went to the heart of the management of peacekeeping operations. Others, including several mission leaders, emphasized the need for greater accountability among troop-contributing countries and for vigorous engagement by Department of Peacekeeping Operations/Department of Field Support with the capitals of the troop-contributing countries involved, as the problem could not be dealt with at the mission level.

39. MONUSCO suggested that greater attention and clarity is needed from the Security Council on the issue of integration between resolution 2098 (2013) and the earlier mandates. The resolution appeared to some within the mission as "a smaller mandate within a larger mandate", creating a lack of parity in the use of force expected of different contingents. Currently, the so-called "framework brigades (brigades that were on the ground before the adoption of resolution 2098 (2013)) deploy in support of the Force Intervention Brigade. The Mission leadership has tried to address the situation by using the unifying slogan "One Mandate, One Mission, One Force". However, internal doubts remain.

The responsibility of missions to act when host Governments are unable or unwilling to discharge their primary responsibility to protect civilians was not well understood

40. Interviews revealed widespread understanding in missions concerning the host Government's primary responsibility to protect civilians, but less understanding concerning the mission's legal obligation to act, including with force, when host Governments cannot or will not do so. Leaders face tension between use of force and the need to retain the consent of the host authorities. Consequently, when State

forces are themselves seen as perpetrators, the use of force is considered unrealistic. This recognizes operational and political constraints, but is at odds with the legal authority and mandate to act.

41. In some cases, the tension has been resolved by supporting local forces when they engaged attackers (as was the case in South Sudan in 2011 and 2012) but determining not to act if local security forces were not present or had abandoned the scene (Democratic Republic of the Congo 2012). In one case, effective deterrent action was taken by uniformed mission personnel against attackers threatening civilians despite the fact that the attackers were elements of a national security force. Additionally, mission willingness to act unilaterally to protect civilians appeared to be influenced by the nature of its relations with the national Government, and by whether or not it routinely conducts joint operations with national security forces. In cases where relations were good, as in UNOCI and UNMIL, the likelihood of "swift and sure reaction" was considered higher.

42. However, even if a mission commander on the ground judges that national authorities are unable or unwilling to protect civilians and that United Nations Force intervention may be warranted, and even though he has the authority to act, the sensitivity of the issue is such that the decision is likely to be referred higher, resulting in delay.

43. Several Member States, Secretariat officials and mission staff themselves expressed frustration in interviews about the potential for such considerations to be used as excuses by mission military commanders on the ground. One mission admitted that protection of civilians failures had occurred in such situations. Others disagreed, with one Member State suggesting that the role of peacekeeping missions is to support the development of capacity within the host Government to meet its responsibilities. Another called for a balance to be found between "not exonerating the host Government from its responsibilities under international law, and realizing what we can do".

44. Missions also invoked legalisms to explain why they cannot act more proactively. For example, during and after the fall of Goma in December 2012, United Nations leaders argued that MONUSCO could not act against the advancing M23 as the Congolese armed forces had fled. This, they argued, ruled out confronting the rebels with force independently as they could act only in support of the armed forces. They chose not to invoke their general mandate for protecting civilians although that was available to them.[11]

Missions perceived themselves as weak, outnumbered and stretched across vast areas, making the use of force only a paper option

45. Although this evaluation was not a resource study, interviews showed that missions consider themselves weak in four critical areas: firepower; air assets; the numerical strength of spoilers; and the area of terrain they have to cover. Some missions, including UNAMID and UNMISS, convinced of their weakness, appear to have ruled out the use of force as a realistic option.

[11] See, for example, the United Nations Spokesperson's Noon Briefing, 20 November 2012, available from: http://www.un.org/News/briefings/docs/2012/db121120.doc.htm.

46. Missions spoke particularly about the dilemmas and trade-offs faced while deploying troops. One dilemma related to "protection by presence", in which missions establish bases in or near known hotspots. However, this can spread resources thinly. Often, a base intended to be temporary remains in place because humanitarians and other stakeholders appreciate its deterrent effect and exert pressure against closing it. Missions consequently feel that they lack critical numbers and supporting assets for bold action.

47. In MONUSCO, the trade-offs in providing protection by dispersed presence of troops are now considered to have "salami sliced" its forces and led to a "14-year mentality of cohabitation with negative forces". MONUSCO has concluded that this model of deployment has failed to provide protection through successive mandates and is now moving towards a posture in which troops are mobile, concentrated and capable of quick response.

48. Several mission leaders drew attention to the need for a better fit between their resources and mandated tasks. Special forces and equipment, including non-lethal weaponry, and more air and riverine assets were seen as crucial in improving access to incident sites and hence the ability to protect civilians, including in UNMISS.

49. Overall, mission perceptions about their weak resource base are decisive in rendering the use of force a paper option only, despite their recognition of its potential value. Missions sought a better understanding in New York Headquarters and the Security Council of their resource needs and the constraints of existing resources.

Concerns about possible penalties inhibit contingents' use of force

50. Also apparent is a fear of penalties in the event of allegations of excessive use of force. Court martial, repatriation, loss of financial benefits or even prosecution by the International Criminal Court were among consequences reportedly feared by troops in a confidential survey conducted by the Department of Peacekeeping Operations/Department of Field Support in 2013, despite training that emphasizes the breadth of their authority. Risk aversion results. One interviewee stated, "There are penalties for action, but no penalties for inaction".

51. Appropriate contingent-based training was considered necessary to reduce uncertainty about the appropriate use of force.

Tactical-level guidance does not adequately address ground realities and complexities when force might be necessary

52. Interviewees also referred to gaps at the tactical level on the issue of how to respond to complex and ambiguous situations that might require the use of force. They included issues such as intervening in fighting between two or more armed groups when civilian casualties were likely; when armed groups were openly visible in communities, committing extortion through fear but without physical violence; when the imminence of the threat could not be evaluated; when troops were outnumbered; when reinforcements were unavailable; when it would be difficult or impossible to reach the site; or when the use of force might provoke more violence or cause more civilian casualties. Guidance, official documents, including Rules of Engagement, and training, despite considerable efforts, including scenario-based training, do not seem to adequately address such situations.

D. Concept of protection of civilians has been stretched, risking loss of focus

53. Protection of civilians mandates now cover threats from organized and politically motivated armed groups to opportunistic and criminally motivated armed groups, tribal and intercommunal conflict and conflict over land and resources. The concept has been stretched to cover the majority of mission activities.

54. Some observers see this as an inevitable characteristic of a cross-cutting mandate, but for others it is a risk. Several interviewees called for narrowing of the definition to make it more practical and focused. One Member State felt that it should relate predominantly to the pre-emption of physical violence. There was also uncertainty about the application of protection of civilians in missions with evolving security situations, such as UNIFIL, UNOCI and MINUSTAH, and in drawdown phases, e.g., UNMIL.

55. It is noteworthy that while protection of civilians mandates have been in force for up to 13 years, none has ever been lifted during a mission's lifetime.

E. At the mission level, leadership, information systems and partnerships influence the effectiveness of protection of civilians activities

Interpretation of mandates by mission leaders a critical element in how robustly or conservatively protection of civilians is approached

56. The priorities and approaches of mission leaders are a crucial determinant of the way in which protection of civilians mandates are implemented.

57. The effectiveness of mission leadership varies. Changes in leadership have resulted, in some missions, in major changes of emphasis and approach in relation to protection of civilians. However, interviews revealed that most mission leaders see conflict prevention as the ultimate goal of peacekeeping missions, with interposition in armed conflict involving civilians as a last resort. They prioritize diplomatic initiatives, logistic support and capacity-building for local security forces and, on the ground, preventive activities to deter and mitigate the consequences of conflict for civilians.

58. In one mission, the leadership is united in its conviction against any use of force. Leadership by example is also important. Staff expressed concern when leaders were absent from their mission for long periods or during times of crisis.

Information structures have increased in sophistication but operational problems persist

59. Situational awareness and the information systems that support it are critical elements in a mission's protection of civilians strategy. The information systems enabling information to be gathered, compiled, analysed and disseminated within missions have grown in complexity and sophistication and now involve almost every component of mission activity.

60. However, interviews suggested that problems persist. Early warning systems were sometimes reported to have failed on critical occasions, leaving missions

caught by surprise by developments. Information "silos" and fragmentation persist, especially between the uniformed and civilian components. Commanders on the ground consider that information for tactical purposes, which one commander defined as "information we can use for the next five hours", is lacking. In some cases, the challenge is to draw real-time analysis from concurrent, often duplicate sources. Post-crisis investigations may also suffer from delays in reaching conflict sites. Missions are often unclear about the number of civilian deaths and estimates vary widely.

61. As a mission with acute protection of civilians challenges, MONUSCO has been active in developing information-gathering mechanisms to compensate for long distances, but best practices have not always travelled to other missions.

62. In some missions, a lack of permanently based staff in remote communities, or patrols in which soldiers do not leave their vehicles, hamper information gathering. Interviewees felt that opportunities existed for improvement, and that getting information and building community trust required long-term presence. They said, "We can't just land in a chopper for a couple of hours. We get information if we sit and talk to people".

In most missions, the most difficult and ambivalent protection of civilians partnerships are with the host Government and humanitarians

63. Peacekeeping missions work with a range of partners. Some partnerships, such as those with members of civil society and national and international non-governmental organizations, are generally based on complementary objectives and skills and typically work well. Others can be more difficult.

64. For all missions, Governments are key stakeholders as they have the primary responsibility of protecting civilians. However, the state of this important relationship varies greatly. In some cases, Governments are cordial and supportive. In others, they are difficult and ambivalent. Governments perceived to be complicit, directly or indirectly, in harming civilians and/or indifferent to protection of civilians concerns pose particular challenges. Denial of access to conflict-affected locations, flight restrictions that inhibit access or reconnaissance, transport demands and harassment of mission staff are major barriers to the effective implementation of a protection of civilians mandate in at least two missions.

65. Where the relationship is mutually supportive, the security situation has improved and threats to civilians have been markedly reduced.

66. The relationship between humanitarian actors and peacekeeping missions also has many points of active contention. They are based largely in the differences in their respective mandates and approaches to implementation. Humanitarians are often critical of what they perceive as an overly accommodating approach by missions towards Governments and security forces. Peacekeepers see humanitarians as wanting their assistance but wishing to keep their distance in the interest of preserving humanitarian space. In post-crisis situations where civilians are fleeing, injured or seeking shelter at United Nations facilities, concerns about who should do what have led to ambiguities that have needed to be addressed. The distinction between United Nations vehicles painted differently — "black" United Nations peacekeeping and "blue" United Nations humanitarian activities — was mentioned

frequently. Humanitarian policy frameworks create distinctions between civilian and military assets that have prevented the sharing of air and riverine assets.

67. OIOS is aware of efforts currently under way at both Headquarters and field levels to ensure better cooperation and coordination, but notes that implementation problems persist.

F. Positive results in preventing and mitigating harm to civilians and in long-term outcomes are clear, but performance of three missions is highly ineffective when civilians are actually being harmed

68. Results of efforts to protect civilians can be considered over both the short and long term. For the short term, they can be further classified into three stages: before civilians have been harmed (prevention phase); while civilians are being harmed (physical protection); and after they have been harmed (mitigation phase). Long-term results are those achieved over a 5- to 10-year period.

69. Evidence shows that missions' preventive and political work before civilians are harmed has had notable and positive results. Civilians invariably attach high value to missions' physical presence, which evidence suggests had a huge deterrent impact and avoided violence that otherwise would have occurred. For example, unprecedented numbers of civilians have found physical security on UNMISS bases in recent years. The value of such deterrence is unquantifiable but enormous.

70. When prevention fails and civilians are actually being harmed, evidence demonstrates that performance is highly ineffective in MONUSCO (prior to the adoption of Security Council resolution 2098 (2013)), UNAMID and UNMISS. MONUSCO has admitted failures with respect to several critical incidents. In UNAMID, interviewees perceived the Mission's response as frequently weak, especially when civilians were under attack. UNMISS has been noted as having a "pattern of non-intervention" and was less than effective during the November-December 2012 crisis that resulted in more than 600 civilian deaths.

71. The value of the work of missions after civilians have been harmed is extremely high. Missions are typically very active at that stage, helping suffering civilians by escorting them away from danger, sheltering them on bases, facilitating humanitarian access, providing medical evacuations, and in other ways.

72. With respect to the long-term results, a cautious but clear sense of progress was apparent. Numerous examples of successful outcomes were provided to the evaluation team and gathered from documents. They included 10 years of peace in Liberia, the training of thousands of policemen and policewomen in Haiti since 2004, the successful holding of elections in the Democratic Republic of the Congo in 2006, the weakening of the Lord's Resistance Army, the surrender of the M23 leader, Bosco Ntaganda, to the International Criminal Court, and the active implementation of the United Nations Human Rights Due Diligence Policy (see S/2013/110). One member of civil society stated, "Our own government is scared to commit human rights violations in the presence of the United Nations. The armed groups are scared of the international criminal tribunals. Everyone knows that people who commit massacres and genocides will be captured and sent to justice". Civilians have demonstrated support for missions when they acted decisively to

protect them. The recent achievements of UNMISS in sheltering thousands of civilians are also notable.

73. However, some interviewees cautioned that gains made were fragile because of capacity shortfalls within host countries themselves. Fundamental solutions to protecting civilians were possible, in their view, only when the root causes of conflict were addressed.

IV. Conclusion

74. As this report is being written, civilians face new atrocities. Thousands have reportedly been killed in South Sudan and Syria; hundreds are dead in the Central African Republic. More civilian suffering is certain.

75. While the primary responsibility for protecting civilians lies with their own Government, the international community has a crucial role to play when that Government is unable or unwilling to do so. The Secretary-General stated in a message to staff on 21 November 2013 that the organizational obligation is clear in such circumstances: when "people face such risks [of atrocities and egregious crime], they expect the United Nations to act, and the Organization's performance is rightly measured by this benchmark".

76. Since 2009, peacekeeping missions with a protection of civilians mandate have addressed this highly complex issue and achieved important results. Against difficult odds, and supported by guidance from Headquarters, missions have successfully prevented and mitigated harm to civilians while deployed over huge territories, facing asymmetrical threats and with limited resources. Peacekeeping missions will continue to face huge challenges in implementing their protection of civilians mandates.

77. As the ultimate "beneficiaries" of a peacekeeping mission's protection of civilians efforts are the ordinary citizens of the country where it is deployed, the behaviour of threatened civilians is the best indicator of the results of missions. Evidence is clear that in conflict situations, civilians in countries with a peacekeeping mission always turn to the United Nations as their first and preferred source of protection. However, these high expectations are not, and indeed cannot be, met most of the time. Consequently, missions must use their limited resources in all the ways that are available to them.

78. The question therefore remains the same as it implicitly appeared after the Security Council adopted the first protection of civilians resolution in 1999: whether the United Nations, an Organization founded for the fundamental purpose of promoting peace, will protect civilians only through peaceful means, or whether it is ready and willing to use violence, even on rare occasions and as a last resort, to come to their assistance?

79. As things stand, peacekeeping missions with protection of civilians mandates focus on prevention and mitigation activities and force is almost never used to protect civilians under attack. The chain remains broken with regard to the use of force as follows:

(a) While the Security Council authorizes missions to use force when necessary to protect civilians, internal differences have caused an ambiguous message to be transmitted and received by the Secretariat and by missions;

(b) Troop-contributing countries, unwilling or unable to accept all the risks associated with the use of force, regulate and limit the response of their contingents. Under their control, contingents may choose not to carry out some assigned tasks. When missions do not report such occurrences to United Nations Headquarters, the issue cannot be taken up with troop-contributing countries;

(c) On the ground, missions, convinced of their essential helplessness before asymmetrical threats, adopt postures that minimize or avoid the use of force;

(d) Finally, on the very front line, the individual peacekeeper, facing many ill-defined threats, in constant danger, fearing penalties if he resorts to force but aware of the absence of penalties for failure to act, often decides that inaction is the best action.

80. Partly as a result of this, and many factors beyond the control of the United Nations, civilians continue to be killed, injured and abducted and to suffer sexual violence. Women and girls suffer disproportionately. Peacekeepers are absent from many locations when civilians come under attack, and when they are present, are unable or unwilling to prevent serious physical harm from being inflicted. Every part of the peacekeeping architecture has had a role to play in what resembles a continuing and systemic failure yet, given the diffuse nature of norm setting, planning and implementation, none is uniquely responsible.

81. The need for improvement and clarity on the issue of the use of force is obvious but the authority to change the status quo lies only very partially with the Department of Peacekeeping Operations/Department of Field Support.

82. What is required is a frank dialogue on the issue within the peacekeeping partnership of troop-, police- and finance-contributing countries, host Governments, the Security Council, the Secretariat and other actors. Solutions also require the involvement of the General Assembly as the main deliberative organ of the United Nations. A precedent exists; in 2009, the Assembly debated the issue of the "responsibility to protect".

83. The Security Council alone can decide whether the true intent of its resolutions with regard to the use of force has been duly implemented. It can also consider, given that it did not intend Council resolution 2098 (2013) to be a precedent, how existing mandates can be made more effective.

84. The evaluation also highlighted the fact that operational control of the United Nations over contingents needs to improve. Situations in which contingents are hesitant or do not carry out duly issued orders from the mission military structure should be reported.

85. Since 2009, conceptual clarity on the whole issue of protection of civilians has increased at the higher levels. However, this needs to move downwards to the tactical level, so that peacekeepers in even the smallest units know how and when to respond when they see civilians under threat.

86. The continuing tense institutional relationship between peacekeepers and humanitarians remains a concern, especially at the working level. The results of

ongoing high-level initiatives to address the recurrent pitfalls need to be reported regularly to the Secretary-General.

87. This Office underlines that peacekeeping is not cheap, only relatively inexpensive. Peacekeeping operations consume nearly $8 billion annually. Consequently, no tool duly authorized — including the use of force — should remain unused, especially when it can help lessen civilian suffering. The Charter of the United Nations does not prohibit the use of force; it makes it the last resort, but nevertheless a resort.

88. Overall, this Office believes that, consistent with its evaluation mandate to support systematic reflection among Member States, the issue of the use of force as the last resort by the United Nations to protect civilians under imminent threat of physical violence or under attack needs urgent consideration. The reality is that a default practice rules out the use of force, even as a last resort, when Security Council resolutions lay down precisely the opposite.

89. The question is whether this distance between prescription and practice should be allowed to persist when enormous civilian suffering remains, when violent threats to them are increasing and when the only Organization such civilians can and often turn to for help and protection is the United Nations.

V. Recommendations

90. To that end, OIOS makes the following recommendations. The Department of Peacekeeping Operations/Department of Field Support accepted the recommendations, while providing comment on recommendation 1 (see annex I).

Critical recommendation

Recommendation 1: The Department of Peacekeeping Operations should emphasize command and control obligations and require all peacekeeping missions with a protection of civilians mandate, in the event of a failure by any contingent to follow orders or instructions issued by the mission regarding the protection of civilians mandate, to communicate such occurrences to United Nations Headquarters, which shall then ensure that the cases are reviewed and taken up with the troop-contributing countries concerned. Where the matters are systemic or material, the Secretary-General may consider informing the Security Council.

Important recommendations

Recommendation 2: The Department of Peacekeeping Operations should issue concise, self-contained guidance to all military peacekeepers, translated into their own language with the help of troop-contributing countries and supported by predeployment training, that clearly lays down the actions expected in particular scenarios appropriate to each mission's circumstances in order to prevent, minimize or deal with threats to civilians.

Recommendation 3: The Department of Peacekeeping Operations/Department of Field Support and the Office for the Coordination of Humanitarian Affairs, via the Integration Steering Group, should report to the Secretary-General the results of initiatives currently under way to improve the working relationships between peacekeeping operations and humanitarian entities in relation to protection of

civilians activities, especially at the working level, which may be considered for inclusion in the report of the Secretary-General on the work of the Organization for 2015.

(*Signed*) Carman L. **Lapointe**
Under-Secretary-General for Internal Oversight Services

7 March 2014

Annex I

Comments on the draft report received from the Department of Peacekeeping Operations and the Department of Field Support

The Office of Internal Oversight Services (OIOS) presents below the full text of comments received from the Department of Peacekeeping Operations and the Department of Field Support on the evaluation results contained in the draft report. This practice has been instituted in line with General Assembly resolution 64/263, following the recommendation of the Independent Audit Advisory Committee.

Memorandum dated 28 February 2014 from the Under-Secretary-General for Peacekeeping Operations and the Under-Secretary-General for Field Support

1. Thank you for the invitation to comment on this timely report. The protection of civilians is an issue of paramount importance for our Departments, for those Member States contributing personnel and for the membership as a whole.

2. We welcome this report's overarching conclusion that peacekeeping is one of the most important tools of the international community for protection, as well as its recognition that peacekeepers regularly sacrifice their safety, and sometimes their lives, in this noble service. We also note with appreciation the recognition in the report of the strides that have been made in guidance and training on the protection of civilians in United Nations peacekeeping and other efforts to maximize the impact of the resources available to undertake this essential and first order mandate.

3. The Office of Internal Oversight Services is to be commended for undertaking a large number of interviews and two field visits, completed with the full support of both of our Departments. The report, however, misses an important opportunity to assess the implementation of protection of civilians mandates in their full scope. It focuses on a last resort option — the use of force — which we should expect and hope will be a rare occurrence where missions have so many other tools at their disposal. Yet the report goes on to limit its inquiry even further, defining "the use of force" so narrowly as to exclude important military protection operations, such as "supporting local security forces, securing areas and facilities, evacuating or escorting civilians to safety ... creating security conditions conducive to ... humanitarian assistance" (para. 22). We agree that missions will often be judged on the question of the use of force and we take seriously the issues raised in the report on this matter. Both of our Departments pay close attention to this issue, including through ongoing planning, guidance, reviews of missions, and after-action reviews. At the same time, we are concerned that the approach of the report overemphasizes one element of military action and devalues the importance of political solutions and other aspects of the comprehensive approach peacekeeping operations take in implementing their protection mandate.

4. We also regret that this study did not take the opportunity to better highlight the central role host nations play in the protection of civilians. It is understood that host countries have the primary responsibility for protecting civilians. However, in some contexts today, United Nations peacekeeping efforts are confronted by the limited capacity of host nations and/or challenges related to host nation consent to the full freedom of movement and access of our peacekeeping

operations. What have we learned about our ability to help host nations to fulfil this fundamental obligation? What can United Nations peacekeeping operations reasonably achieve under such conditions? How can we avoid creating an expectation of protection that we may not ultimately be able to provide? We feel these are urgent questions requiring our collective and urgent attention.

5. We welcome the attention in the report to the importance of clear and unambiguous mandates. This is an important point, raised by many Member States during the 12 February 2014 Security Council open debate on the protection of civilians in armed conflict. We agree that consensus and agreement among Member States, particularly between members of the Security Council and troop- and police-contributing countries on the mandate on the protection of civilians is important. We further welcome the recognition that resources and capabilities are often decisive factors in protecting civilians, and that many missions face challenges with regard to mobility assets, troop strength and other capabilities.

6. We take this opportunity to respond to the first recommendation in the report.

> *Recommendation 1: That the Department of Peacekeeping Operations emphasize command and control obligations and require all peacekeeping missions with a protection of civilians mandate, in the event of a failure by any contingent to follow orders or instructions regarding the protection of civilians mandate issued by the mission, to communicate such occurrences to United Nations Headquarters, which shall then ensure that the cases are reviewed, taken up with the troop-contributing countries concerned and the outcomes reported in a timely manner and at regular intervals to the Security Council.*

7. We strongly believe that this recommendation would not serve the objective of improving the performance of our operations in delivering on their mandates. The report implies, in paragraph 37, that peacekeepers and this Headquarters sacrifice operational efficiency for "harmony". This is not the view of our Departments. Command-and-control expectations are clearly laid out in official guidance and reinforced at all levels. While challenges may arise in our operations, as can be expected from operations of the size, diversity and complexity of peacekeeping, challenges to command and control, as addressed by this report, are exceedingly rare. Where such issues arise, they are dealt with promptly through discussions with Member States. It is questionable whether the Security Council is the proper forum in which to raise specific performance issues.

8. This recommendation also ignores existing processes in place to address issues related to command and control, conduct and discipline, and a host of related issues, including Boards of Inquiry and other measures. The Office of Strategic Partnerships was recently established by our Departments to systemically follow up on issues linked to those addressed by this recommendation. Importantly, this approach and others pursued by our Departments do not try to artificially separate the issue of command and control from other, related issues, but rather address them in a comprehensive and progressive manner.

9. With this in mind, ongoing engagement between troop- and police-contributing countries, the Secretariat and the Security Council is essential to ensure a shared understanding of the full spectrum of the mandate and how it is to be implemented. Our Departments have been, and continue to be dedicated to this effort of "triangular cooperation".

Annex II

Comment by the Office of Internal Oversight Services-Inspection and Evaluation Division

OIOS thanks the Department of Peacekeeping Operations and the Department of Field Support for their thoughtful response to this evaluation report and acknowledges the concerns they have expressed about the scope of the report and the many issues which, while important to the protection of civilians, could not be covered in a document of such limited length.

While the report highlighted matters associated with the use of force, it also attempted to address many substantive protection of civilians issues, including the guidance and structures for implementing protection of civilians, the evolution of the protection of civilians concept itself, the role of leadership, information systems and partnerships, and positive results achieved. The use of force received particular attention because of the ambiguous understanding and conflicting views expressed by interviewees and the risk it poses to the United Nations. However, this should in no way be considered as diminishing the importance of other activities undertaken within peacekeeping operations to ensure the protection of civilians.

Similarly, the exclusion of Tier 3 activities (those associated with creating a protective environment) was a scoping decision that reflected what was feasible given the time and resources available for the evaluation. Building the capacity of host Governments and institutions to protect their own citizens is clearly fundamental to the creation of a protective environment and a priority for peacekeeping operations. OIOS would welcome any attempt to evaluate the results of activities directed towards those ends.

OIOS has also indicated its willingness to share with the Department of Peacekeeping Operations/Department of Field Support information obtained during the course of the evaluation, appropriately aggregated and anonymized, that could not be included in the present report.